

PATENT COOPERATION TREATY


PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

TRANSLATION

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Applicant's or agent's file reference DF0308001P | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/CN03/00053 | International filing date (day/month/year) 21. Jan. 2003 (21.01.03) | Priority date (day/month/year) 23. Jan. 2002 (23.01.02) |
| International Patent Classification (IPC) or national classification and IPC IPC ⁷ : H04L12/18 | | |
| Applicant HUAWEI TECHNOLOGIES CO.,LTD. | | |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and /or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p> | | |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty ,inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2)with regard to novelty ,inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application.</p> | | |

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|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Date of submission of the demand 04. Jun. 2003 (04.06.03) | Date of completion of this report 25. Jun. 2003 (25.06.03) |
| Name and mailing address of the IPEA/CN 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China Facsimile No. 86-10-62019451 | Authorized officer  Telephone No. 86-10-62093504 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CN03/00053

I. Basis of the report

1. With regard to the elements of the international application:

☒ the international application as originally filed☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the claims:

Nos _____, as originally file

Nos _____, as amended (together with any statement) under Article 19

Nos _____, filed with the demand

Nos _____, filed with the letter of _____

☐ the drawings:

sheets/fig _____, as originally filed

sheets/fig _____, filed with the demand

sheets/fig _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. with regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims No. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CN03/00053**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement:**

Novelty (N)

Claims 1~20

YES

Claims

NO

Inventive step (IS)

Claims 1~20

YES

Claims

NO

Industrial applicability (IA)

Claims 1~20

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

The claimed invention

The claimed invention related to a method of real-time broadcasting in mobile communication system, by setting dedicated broadcasting resource.

Reference is made to the following documents:

D1=CN1090444A

D2=CN1357179A

D3=WO0079734A1

Document D1 discloses (see the whole document), two-way interactive video network appts. for point-to-point transfer of synchronous digital messages, has network switching center controlling data transfer between subscribers at different locations. Local area base station cell sites are subdivided into zones for processing communications within the zones from subsets of subscriber units of a configuration for integrating communications into a nationwide network of interconnected base station cell sites for point-to-point communications with identified remote subscriber units. But document D1 does not disclose that the said mobile terminal can process general service, and switch freely among services.

Document D2 discloses (see the abstract) a CDMA cell structure of telecommunication system, has primary and secondary downlink carriers whose respective codes are configured to scramble specific common channels. A primary downlink carrier has a code that is configured to scramble non-power controlled common channels, for transmission over a specific downlink bandwidth. A secondary downlink carrier has a code configured to scramble only the power controlled channels, for transmission over preset downlink bandwidth. It is considered to merely disclose the state of the art and is not commented on further.

Document D3 discloses (see the whole document), a system and method for receiving over a network a broadcast from a broadcast source. it providing a broadcast to a receiver via a communication network. A streaming real-time multimedia content (which relates to entertainment, music and /or interactive game industries) can now be provided over the internet. Application-layer multicasting arrangement for the real-time broadcast traffic, support of a fast-handoff of the IP streams when the mobile clients move from one domain to another., they provide a utilization of either conferencing or broadcast mode. But document D3 does not disclose that the said dedicated service layer is setup.

Consequently, the claimed invention as in claims 1~20 is considered to be novel, to involve an inventive step and to have industrial applicability.

专 利 合 作 条 约

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国际初步审查报告 (PCT 条约 36 和细则 70)

REC'D 20 AUG 2003

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|-------------------------------------------------------------|------------------------------------------|---------------------------------------|
| 申请人或代理人的档案号 DF0308001P | 关于后续行为 参见“传送国际初步审查报告的通知”(PCT/IPEA/416 表) | |
| 国际申请号 PCT/CN03/00053 | 国际申请日(日/月/年) 21.1 月 2003 (21.01.03) | 优先权日(日/月/年) 23.1 月 2002 (23.01.02) |
| 国际专利分类(IPC)或者国家分类和 IPC 两种分类 IPC ⁷ : H04L12/18 | | |
| 申请人 | | |

1. 本国际初步审查单位已作出国际初步审查报告并依照条约第 36 条将其传送给申请人。
2. 本报告共计 3 页, 包括扉页。
☐ 本报告还有附件, 即修改后的并且作为本报告基础的说明书修改页、权利要求书修改页和/或附图修改页, 和/或对本国际初步审查单位所作出的更正页(见 PCT 细则 70.16 和行政规程 607)。
 这些附件共计_____页

3. 本报告包括关于下列各项的内容:

- I ☒ 报告的基础
- II ☐ 优先权
- III ☐ 不作出关于新颖性、创造性和工业实用性的意见
- IV ☐ 缺乏发明的单一性
- V ☒ 按条约 35(2)关于新颖性、创造性或工业实用性的推断性意见; 支持这种意见的引证和解释
- VI ☐ 引用的某些文件
- VII ☐ 国际申请中的某些缺陷
- VIII ☐ 对国际申请的某些意见

| | |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 提交要求书的日期 04.6 月 2003 (04.06.03) | 完成本报告的日期 18.6 月 2003 (18.06.03) |
| 国际初步审查单位名称和地址 IPEA/CN 中国北京市海淀区西土城路 6 号(100088) 传真号: 86-10-62019451 | 授权官员 电话号码: 86-10-62093504  |

I. 报告的基础

1. 关于国际申请中各个部分：*

☒ 原始提交的国际申请。

☐ 说明书, 第_____页, 原始提交的,
第_____页, 要求书提交的,
第_____页, _____的信件提交的。

☐ 权利要求, 第_____页, 始提交的,
第_____页, 条约第 19 条修改的(附有说明),
第_____页, 要求书提交的。
第_____页, _____的信件提交的。

☐ 附图, 第_____页, 原始提交的。
第_____页, 随要求书提交的,
第_____页, _____的信件提交的。

☐ 说明书中的序列表部分
第_____页, 原始要求提交的,
第_____页, 随要求书提交的,
第_____页, _____的信件提交的。

2. 关于所使用的语言, 除本项下另有说明外, 本国际初步审查单位所获得的或者已向本国际初步审查单位提交的上述所有部分, 所使用的语言均为提交本国际申请时所使用的语言。

本国际初步审查单位所获得的或向本国际初步审查单位提交的这些部分所使用的语言是 _____, 这种语言是

☐ 为了国际检索而提交的译本所使用的语言 (细则 23.1 (b))。

☐ 本国际申请公布时所使用的语言 (细则 48.3 (b))。

☐ 为了国际初步审查而提交的译本所使用的语言 (细则 55.2 和/或 55.3)。

3. 关于本国际申请中所公开的任何核甞酸和/或氨基酸的序列, 本国际初步审查是根据下面的序列表进行的:

☐ 国际申请中所包含的书写形式的序列表。

☐ 与国际申请同时提交的计算机可读形式的序列表。

☐ 后来以书写形式向本国际初步审查单位提交的序列表。

☐ 后来以计算机可读的形式向本国际初步审查单位提交的序列表。

☐ 已提交了关于后来提交的书写形式的序列表没有超出原始提交的国际申请所公开的范围的说明。

☐ 已提交了关于以计算机可读的形式记载的信息是与书写形式的序列表相同的说明。

4. 修改删除了以下内容:

☐ 说明书, 第_____页

☐ 权利要求, 第_____项

☐ 附图, 第_____页, 图 _____

5. ☐ 由于(某些)修改被认为超出了原始公开的范围, 如补充栏所示, 因此本报告是按照如同没有修改的情况作出的(细则 70.2(c)). **

* 按照条约第 14 条答复通知时向受理局提交的替换页, 在本报告中被称为“原始提交的”, 这些替换页不作为本报告的附件, 因为它们没有包含修改 (细则 70.16 和 70.17)。

** 任何包含这种修改的替换页, 都必须第 1 项中指明, 并作为本报告的附件。

国际初步审查报告

国际申请号

PCT/CN03/00053

V. 按条约 35 条(2)关于新颖性、创造性或工业实用性的推断性意见；支持这种意见的引证和解释

1. 意见

| | | |
|-----------|-----------|---|
| 新颖性(N) | 权利要求 1~20 | 是 |
| | 权利要求 | 否 |
| 创造性(IS) | 权利要求 1~20 | 是 |
| | 权利要求 | 否 |
| 工业实用性(IA) | 权利要求 1~20 | 是 |
| | 权利要求 | 否 |

2. 引征和解释 (细则 70.7)

本申请

本申请涉及一种通过设置专用广播资源，在移动通信系统中实现实时广播的方法。

检索报告中引用了以下对比文件：

D1 = CN1090444A

D2 = CN1357179A

D3 = W00079734A1

D1 = CN1090444A 公开了一种交互式全国数据业务通信系统，并具体公开了以下技术特征：本发明的一个目的是引入便携式数字通信用户单元到是适应与本地和全国通信的交互式视频数据业务系统，基站用于并行通信的很大数量的单个地识别的用户并且无重大延迟地连接新的用户到等待通信的时隙，但没有公开所述移动终端也能进行语音等常规业务，以及业务切换等。

D2 = CN1357179A 公开了一种蜂窝网中实现多载波的系统和方法，并具体公开了以下技术特征：主载波具有主扰码或可加多个相关副扰码，而副载波具有一个或多个相关副扰码，主扰码加扰所有信道，如专用信道、非功率控制公共信道，而副扰码仅加载专用信道和可选的功率从控制信道。仅仅公开了相关背景技术。

D3 = W00079734A1 公开了一种通过网络接收广播的方法和系统，并具体公开了以下技术特征：通过通信网络接收广播，通过互联网提供实时多媒体内容的数据流，应用层广播配置用于实时广播业务，当移动台从一个区域移动到另一个区域，支持 IP 数据流的快速切换，提供了会议模式和广播模式。但没有公开设置专用的广播业务层。

因此，权利要求 1~20 所要保护的方案具有新颖性，创造性和实用性。